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Attorneys for Defendant BANK OF
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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION.

Defendant

Case No. 3:14-CV-01613 THE
**STIPULATION AND [PROPOSED]
ORDER ENLARGING BRIEFING
SCHEDULE AND CONTINUING
HEARING ON DEFENDANT'S MOTION
TO DISMISS PURSUANT TO FED. R.
CIV. P. 12(B)(7); DECLARATION OF
CONNIE K. CHAN IN SUPPORT
THEREOF**
Civ. L.R. 6-2 and 7-12
Date: n/a
Time: n/a
Courtroom: 12
Judge: Thelton E. Henderson

1 Plaintiff Jane Doe ("Plaintiff") and Defendant Bank of America Corporation ("Defendant"),
2 herein referred to collectively as the "Parties," by and through their respective attorneys of record,
3 hereby stipulate pursuant to Civil Local Rules 6-2 and 7-12 as follows:

4 WHEREAS, on June 22, 2015, Defendant filed a Motion to Dismiss Plaintiff's Complaint
5 Pursuant to F.R.C.P. 12(b)(7), noticed for hearing on July 27, 2015;

6 WHEREAS, under Civil Local Rule 7-3, Plaintiff's opposition to Defendant's motion to dismiss
7 is due July 6, 2015, and Defendant's reply is due July 13, 2015;

8 WHEREAS, as set forth in the supporting Declaration of Connie K. Chan, Plaintiff is unable to
9 prepare her opposition by July 6, 2015 due to Plaintiff's counsel's prior conflicting work and travel
10 commitments; and

11 WHEREAS, the Parties do not anticipate that enlarging the briefing schedule and continuing the
12 hearing on Defendant's motion to dismiss will affect any other case scheduling deadlines currently set;

13 HENCE, pursuant to Civil Local Rule 6-2, the Parties have conferred and hereby stipulate to the
14 following amended briefing and hearing schedule, subject to the Court's approval:

- 15
- 16 1. Plaintiff's opposition to Defendant's Motion to Dismiss Pursuant to FRCP 12(b)(7) shall be
17 due July 21, 2015;
 - 18 2. Defendant's reply shall be due August 10, 2015;
 - 19 3. A hearing on Defendant's motion shall be set for August 24, 2015 at 10:00 a.m., or as soon
20 thereafter as the Court is available.

21 DATED: July 2, 2015

By: /s/ Connie K. Chan

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Attorneys for Plaintiff Jane Doe, on behalf of
herself and others similarly situated

DATED: July 2, 2015

By: /s/ Regina A. Musolino

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**DECLARATION OF CONNIE K. CHAN IN SUPPORT OF STIPULATION TO MODIFY
BRIEFING AND HEARING SCHEDULE**

I, Connie K. Chan, declare as follows:

1. I am a member in good standing of the bar of the State of California and am one of the counsel of record for Plaintiff in the above-captioned case. I make this declaration in support of the parties' stipulated request to extend the briefing and hearing schedule on Defendant's pending motion to dismiss pursuant to FRCP 12(b)(7). The facts set forth in this declaration I know to be true of my own personal knowledge, except as those matters which are alleged on information and belief, and as to those matters I believe them to be true. I could and would competently testify as to all such matters, if called upon to do so.

2. Following an initial case management conference held on August 25, 2014, the Court issued a case scheduling order setting, among other dates, a fact discovery cutoff of February 1, 2016, a February 22, 2016 deadline to file dispositive motions, and a May 17, 2016 trial date.

3. On February 17, 2015, pursuant to the parties' stipulation made in light of ongoing mediation efforts, the Court issued an order extending the deadline for Plaintiff to file a motion for class certification from August 3, 2015 to September 18, 2015.

4. There have been no other previous time modifications in this case.

5. Under Civil Local Rule 7-3, Plaintiff's opposition to Defendant's Motion to Dismiss Plaintiff's Complaint Pursuant to F.R.C.P. 12(b)(7), filed June 22, 2015, is due July 6, 2015.

6. Plaintiff's counsel Jim Finberg has been out of the country with very limited e-mail access since before Defendant's motion to dismiss was filed, and will not return to the office until July 6, 2015.

7. Plaintiff's counsel Marsha Chien is currently out of town for her wedding and honeymoon and will not return to the office until July 13, 2015.

8. I was out of the office on a previously scheduled trip June 26, 2015 and will be out of town for a previously scheduled trip from July 2, 2015 through July 6, 2015.

10. Due to Plaintiff's counsel's various previously scheduled commitments, including other prior work obligations, Plaintiff is unable to file her opposition by July 6, 2015. Accordingly, Plaintiff's counsel approached Defendant's counsel about stipulating to extend Plaintiff's time to respond to Defendant's motion to dismiss, to which Defendant's counsel agreed.

by: /s/ Connie K. Chan
Connie K. Chan

PROPOSED ORDER

Pursuant to the Parties' stipulation and for good cause shown, the Court hereby orders as follows:

Plaintiff's opposition to Defendant's Motion to Dismiss Pursuant to F.R.C.P. 12(b)(7) [Dkt. 55] is due July 21, 2015;

Defendant's reply is due August 10, 2015; and

A hearing on Defendant's motion is continued from July 27, 2015 to August ~~24~~³¹, 2015 at 10:00 a.m.

IT IS SO ORDERED.

Dated: 07/02/15

Hon. Thelton E. Henderson
UNITED STATES DISTRICT COURT

